IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2105 OF 2004

Mohan Baburao Patil & Ors. ...Petitioners.

Versus

Municipal Corporation of
Greater Mumbai & Ors. ...Respondents.

....

Mr.P.G.Lad, Advocate for the Petitioners.
Mr.A.K.Savla, Advocate for Respondent Nos.1 & 2.

....

CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JUNE 14, 2006.**

P.C.:

. Rule. Heard forthwith.

2. It appears that as the petitioners are in arrears of municipal dues, Respondent Nos.1 & 2, issued notice to disconnect the water supply.

3. We called on the learned Counsel for the respondents to show any power under the provisions of any Act or Rules, which enables the Corporation to issue notice for disconnecting water supply for failure to pay municipal dues. The learned Counsel concedes that there is no power.

Considering that there is no power in the respondent Nos.1 & 2 to issue the show cause notice for disconnection of water supply for payment of other municipal dues, the entire action is without authority of law. Hence, the petition is to be allowed. To that extent notice dated 30th January, 2004 is quashed and set aside. Rule is made absolute accordingly. There shall be no order as to costs.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]